

The Board of County Commissioners Of Riley County, Kansas

The Regular meeting of the Board of County Commissioners met at the Riley County Plaza East Building October 4, 2004 with the following members present: Mike Kearns, Chairman; Bob Newsome, Vice Chairman; Alvan Johnson, Member; and Rich Vargo, County Clerk.

8:30 Public Comment

Leon Hobson, Director of Public Works/County Engineer; and Geri Simon, attended.

Newsome moved to approve the minutes of September 30, 2004 as amended. Johnson seconded. Carried 3 0.

Hobson discussed the plans for the K-18 corridor study.

9:00 Business Meeting

Geri Simon; Leon Hobson, Director of Public Works/County Engineer; Charlotte Shawver, Register of Deeds; and Rod Meredith, Assistant Director of Public Works/Parks Director, attended.

Newsome moved to sign the Proclamation for Domestic Violence Awareness Month for the month of October. Johnson seconded. Carried 3-0.

Newsome moved to sign the Proclamation for Kansas Family and Community Education Week October 10, 2004 – October 16, 2004. Johnson seconded. Carried 3-0.

Newsome moved to accept the low bid for the annual lease contract for a tractor loader backhoe submitted by Sellers Equipment, Salina, Kansas in the amount of an annual rental price of \$7,566.00. Johnson seconded. Carried 3-0.

Newsome moved to sign the following payroll voucher:

Riley Co Juvenile Service	\$422.27
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Johnson seconded. Carried 3-0.

9:30 Press Conference

Rod Meredith, Assistant Director of Public Works/Parks Director; Howard Haile, Information Systems Supervisor; Jolene Campbell, Deputy County Clerk/Elections; Charlotte Shawver, Register of Deeds; Sharolyn Flaming-Jackson, County Extension Agent; Geri Simon; Mark Scott, Manhattan Mercury; Bret Glendening, Budget and Finance Officer; Marshall Ice, KMAN; Brennan Engle, Free Press; Judy Davis; and Mary Jane Adams, attended.

Meredith reported Riley County plans to apply an asphalt overlay to Marlatt Avenue from Highway 24 to Browning Avenue the week of October 4, 2004 – October 8, 2004.

Meredith said the road will be reduced to one lane during the construction process. Traffic will be allowed through the project, but drivers should expect delays of up to 15 minutes.

Meredith reported on major road and bridge projects completed since 2001.

MAJOR PROJECT SUMMARY

Riley County Public Works Department
10/04/2004

	Major Projects Completed by Year/Type				
	2001	2002	2003	2004*	4yr Total
Asphalt Road Overlays (Miles)	0.9	1.92	29.67	3.08	35.57
Asphalt Road Seals (Miles)	36.29	35.23	25.28	39.93	136.73

Bridges Constructed	0	1	0	0	1
Concrete Culverts Constructed	0	1	1	1	3
Metal Pipe Culverts Constructed	38	16	28	8	90
Other Major Construction Projects	21	39	26	15	101
Total Construction Projects by Year	96.19	94.15	109.95	67.01	367.3

Major Projects Designed by Year/Type					
	2001	2002	2003	2004	4yr Total
Road Re-construction (number of projects)	0	0	2	6	8
Bridge Construction	0	1	4	4	9
Concrete Culvert Construction	0	2	2	8	12
Metal Pipe Culvert Construction	38	16	28	22	104
Other Construction	21	39	26	30	116
Total Design Projects by Year	59	58	62	70	249

* Partial list for year - count will nearly double by year end

Campbell reported on the election process. Campbell reported current voter registration is 30,263. Campbell said ballot preparation is complex due to the different ballot types per each precinct.

Campbell said the election process begins 6-months prior to election day. Campbell discussed polling places, poll workers, and supply coordination. Campbell said advance voting begins October 13, 2004.

Kearns read a Proclamation for Domestic Violence Awareness Month, October.

Davis thanked the Board of County Commissioners for raising the awareness to Domestic Violence Awareness. Davis stated they serve 1200 domestic violence victims each year.

Kearns proclaimed the week of October 10, 2004 – October 16, 2004 as Kansas Family and Community Education Week.

Sharolyn Flaming-Jackson gave some comments.

10:30 Public Hearing for consideration of adoption of Wind Energy Conversion Systems (WECS) Regulations in the Training Room, at the Fire Station Headquarters, 2000 Denison

Stan Morgan, Counselor/Director of Administrative Services; Monty Wedel, Director of Planning and Development; Bob Isaac, Planner; Brennan Engle and Jon Brake, Free Press; Roy Prestwood, 974 South Manhattan Avenue; Ernest Wayne Bratton, 4075 Deep Creek Road; Mike Clarke, 3755 Rockenham, St. George; Keith Westervelt, 4430 Silver Creek Road; Rebecca Mosier, Planning Board; Darlene Wilds, 4151 Deep Creek Road; Jay Blue, 1913 Casement Road; Skip Pickering, Pickering Ranch; Ron Wellington, 3961 Deep Creek Road; Donald Cooper, 5846 Tuttle Cove Road; Cayla King-Slusher, 4301 Deep Creek Road; Christy Crenshaw, 36207 Tall Grass Road (Wabaunsee County); Rylan Ortiz, 1917 Bluehills Road; Deborah Randolph, 741 Tabor Valley Road; Wayne Corn, 2301 Walnut Drive; Resident, 7060 Cedar Creek Road; Suzie Pickering, 6981 Pickering Road; Cathy Dawes, KMAN; Linda Vescio, Audubon of Kansas, Olsburg, Kansas; Resident, 7102 Abbott Drive; Joan Shull, 2809 Oregon; George LeRoux, 18985 Munkers' Creek Road, Alta Vista; Denise LeRoux, Sunset Zoo; Mark Gehrt, 3240 Mineral Springs Road; Bob and Gail Foote, Buryrus, Kansas; Nick Guetterman, 1830 College Heights; Patricia L. and

Charles King, 4301 Deep Creek Road; June Hunzelcer, 4531 McDowell Creek Road; Geri Simon, 1728 Little Kitten Avenue; Della Wray and John Blythe, 5507 High Meadow Circle; Frank, Nick, and Roberta Blecha, 2161 Deep Creek Road; Harold Mertz, 32999 K-18; William Bower, 3407 Womack Way; Jayne Link, Prairie Heritage; Wes Pierce, 1620 Deep Creek Lane; Lee Rucker, 560 Sandy Land Road; Dick and Martha Seaton, 3200 W. 12th Avenue; Gerald and Phyllis Sue Ludwig, 5180 Deep Creek Lane; Dru Clarke, 3755 Rockenham Road, St. George; D. Poole, 17020 Old Highway 18; Don Redeker, 1222 Pierre Street; Ray Andres, 104 Tuttle Creek View; John Strickler, 1523 University Drive; L.V. and Barbara Withee, 748 Elling Drive; Ada Whitten, Wamego; Yolande Adair, 2710 Maplewood; Brian Anderson, 730 W. Pine, Junction City; Ron Klataske, Audubon of Kansas; Karen Dunn, 3436 Westbaker Street; Tara Pierce, 1620 Deep Creek Lane; Lorn Clement, 3881 S. 20th Street; Clenton Owensby, 3021 Wayne; Roger Andres, Alma; Sue Hunt, 1411 Hillcrest; Harry Watts, KFB; Alan and Charla Hess, Alma; Grant Poole, 3515 Rooks Ranch Road; Glen and LaVerne Hawkins, Riley; Ralph Sooby, 2908 Roma Terrace; Barbara Leith, 5025 Lakewood; Melvin Dale, 2416 Rogers Blvd.; Barbara Peck, 619 N. Juliette; Tom and Delta Finney, 1506 Deep Creek Lane; Patricia A. King, 4177 Deep Creek Road; Bill Pursley, 4421 Deep Creek Road; Buck Gehrt; 2840 Mineral Springs Road; Travis Carson, 1409 Normandy Place #115; John Leith; Pete Cohen, 38382 Sycamore Creek Road, Alta Vista; Dick Jepsen; Joe Downey, 919 Fairway Drive; Al Asendorf; Joan Kunze Peterson, 10830 Sherman Road; Don Whitten, Wamego; Kathryn Mayes, Manhattan Mercury; Pete and Audrey Gehrt; Hary McNary; Don and Carolyn Tessendorf; Kitty Pursley; David Leith; Sandra Asendorf, Alma; Sue DeCrox; Jay Terrill; Charles Kempthorne; Kris Dugan, Alta Vista; K. Taylor;

DeAnn Bratton, 4075 Deep Creek Road; David Mayes, Manhattan Mercury; Suzanne Avery Dunn, Westmoreland; Tom Leopuld, Zeandale; Randy Cook; Kamala Platt; Margy Stewart, Prairie Heritage; Jacqueline Mershon, 1905 Indiana Lane; Kris Johnson, Real Estate; Darrell Westervelt, 5151 Silver Creek Road; Janet Kruh, 2155 Blue Hills Road; June Kempthorne, 3591 Letter Rock Road; Barbara Craft, 2021 Lincoln, Emporia; Stanley Koehn, 5121 South 52nd Street; Teresa Tait; Kate Watson, Manhattan and Geary County; Resident, 7705 Lakeside Avenue; Robin Graham; Mark Scott, Manhattan Mercury; Don Champion, 27 News; Spencer Tomb, 5321 Thompson Road; Aaron Leiker; KMAN; Jim Roberts; Bob Buel; Sandra Clay, Geary County; Rose Bacon, Council Grove; Kent Bacon, Council Grove; Randi Dale, 2416 Rogers Blvd.; Charles Griffin, 6950 Stockdale Park Road; Jeff Head, 218 Seaton Hall; Kale Katzmeir; Pat Kane; Stan Kane; George Thurlow; Donald Wild; John Calyer; Martha Hazendorf; and Lance Luftman, Riley County Police Department, attended.

Kearns thanked everyone for attending the WECS regulations hearing.

Kearns stated the Board of County Commission members will make statements on the WECS. Kearns stated Monty Wedel will make a presentation on the WECS regulations. Kearns said residents will then get 3 minutes each to make comments with a second 3 minutes to follow later.

Newsome stated based on what the Board of County Commissioners hears today may determine the need for more time to discuss the WECS regulations prior to adoption.

Johnson thanked everyone for attending and said he appreciates their input.

10:37 Kearns opened the public hearing for consideration of adoption of Wind Energy Conversion Systems (WECS) Regulations.

Wedel said the Riley County Planning Board approved the adoption of the WECS regulations on a vote of 4-1.

Wedel stated the Urban Area Planning Board passed the regulations unanimously.

Wedel presented the WECS regulations.

Morgan said a blanket prohibition on WECS would be difficult to sustain.

Ron Klataske asked the Board of County Commissioners to carefully consider the effects of WECS on adjacent landowners. Klataske stated it could affect property values. Klataske said the 1000 foot perimeter notification is inadequate.

Kale Katzmeir echoes what Klataske said. Katzmeir said as a neighbor he would want adjacent property to have input.

Darrell Westervelt said he owns 600-acres of tall grass prairie. Westervelt stated within his grandchildren's lifetime, we are going to run short on fossil fuels. We need to develop all forms of renewable energy including wind energy. Westervelt encouraged the Board of County Commissioners to adopt the WECS regulations.

Dick Seaton said Monty Wedel and the Planning Board did a good job on the WECS. Seaton said adjoining landowners have interest.

Dick Seaton said he has presented modified language to Stan Morgan on the WECS regulations.

Don Tessendorf stated not enough research is done to determine the long term effects of WECS regulations. Tessendorf said oil well damage to his property has never been replenished by the companies.

Joan Shull stated she is in favor of wind farms due to the shortage of fossil fuels. Shull said the Mississippi Flyway goes through Kansas. Shull said flyway needs to be considered when developing the regulations to not kill off all the birds.

Lorn Clement said he wanted to reiterate what Ron Klataske stated in expanding the 1000 foot notification.

Margy Stewart urged the Board of County Commissioners to take more time, extend the moratorium and learn from what other commissions have done. Stewart said Geary County has found a number of measures that can be strengthened in Riley County property regulations.

Margy Stewart said the 1000 foot notification must be expanded. Stewart expressed concerns with the visual and sound effects on WECS development on ridge tops.

Tom Finney, Zeandale Township, said he would appreciate the 1000 foot notification being increased. Finney expressed concerns with hill top development and WECS companies not having to pay taxes.

Pat Kane, a new resident from the east coast, said her concern is property values for herself and neighbors. Kane discussed concerns with the effects WECS will have in making Riley County a retirement community.

Kitty Pursley stated she is not against wind energy. Pursley said WECS should be developed in cultivated areas. Pursley said regulations need to protect us and the area and the 1000 foot notification needs expanded.

Bill Pursley said he is concerned with property values. Persly said Austria is abandoning WECS. Persly asked what value you can put on the Flint Hills.

Nick Guetterman, KSU Student, said the regulations have not discussed how much energy the WECS will generate to save fossil fuels. Gateran was concerned with the limited energy benefit for a 20 square mile area.

Dru Clarke said she has not seen or heard an acoustical impact study.

Jay Blue said he believes the visual dominance zone is 20 times the height and 30 times the height should be in the regulations.

Glen Hawkins' concern is that we are not considering the visual blight caused by the wind turbines. Hawkins expressed concerns with the efficiency of wind turbines. Hawkins asked for the moratorium to be extended.

Don Redeker said he is against them.

Don Redeker said Wabaunsee County stopped them and Riley County can also. Redeker expressed concerns with industrial development encroaching on agricultural.

Bill Bower discussed his wife and his love of the land. Bower expressed concerns with the visual aspects of WECS.

George Thurlow said it is possible for the Board of County Commissioners to standup and stop WECS.

George Thurlow said environmentally sound energy development needs to take place. Thurlow said individual resident wind turbines are a better method and excess energy produced can be sold back to energy companies.

Pete Cohen said wind towers can intrude on property rights by effecting sound and sight.

Sandra Clay, Geary County, said why have zoning if your not going to follow it. Clay said each tower will destroy 4-acres of grassland.

12:00 Recessed for lunch.

1:00 Consider adoption of WECS regulations

Suzie Pickering presented information from the Roper Report from the Federal Government, which states no decline in property value near wind turbine development. Pickering stated Orion contributed \$300,000.00 in gift funds to a local community with over half going to local schools.

Suzie Pickering said banning WECS would increase the government's strangle hold on farmers and ranchers land rights.

Ron Wellington stated in 2000 his farm in Missouri was taken for a public recreation park. Wellington expressed concerns with the visual effects the turbines would have near his property.

Stan Kane expressed concerns with the visual pollution, taxes not being paid on wind energy development, and effect of tourism. Kane asked that the regulations be strengthened.

Randi Dale said she is for wind power because it has little pollution. Dale stated wind energy is a wonderful alternative power for energy.

Barbara Craft stated she purchased land along Deep Creek Road to build their retirement home. Craft expressed concerns with visual effects of WECS. Craft said solar energy is better than wind energy.

Donald Wild asked if the public is being deceived. Wild questioned what the height of the towers will be. Wild asked how regulations can be discussed when there are no State regulations on WECS.

John Calyer discussed concerns with visual effects off WECS.

Clenton Owensby said individual property rights are in effect already through laws. Owensby said the regulations encourage pollution. Owensby said ask what the people want.

Suzanne Avery said this is one of the last truly beautiful places. Avery said we have to be responsible to protect our land. Avery said please protect the Flint Hills.

Rose Bacon said the State Task Force learned wind energy provides limited electricity benefit if equipment is working at maximum performance and capacity is available on the transmission lines.

Tara Pierce said she is against wind farms. Pierce questioned who benefits, the landowner and big companies.

Mark Gehrt stated the need for regulations is clear to protect the views and property values. Gehrt said heavy industrial traffic will effect roads and bridges. Gehrt said if WECS are viable they will still be viable after regulations have been fully developed. Gehrt said development should not be allowed unless all regulations are met.

Jayne Link said the moratorium could be extended to further review regulations. Link said the protest petition zone needs extended.

Melvin Dale said they had a wind generator a half a block from him and the noise was not offensive.

Melvin Dale asked where will the blue collar worker come from if industrial development is not allowed.

Spencer Tombs stated he opposes industrial wind farms. Tombs expressed concerns with the view scape and individual property rights of adjacent landowners.

Spencer Tombs mentioned the mistakes made in other types of development including coal mining. Tombs asked the Board of County Commissioners to protect the land.

Christy Crenshaw stated WECS development is comparable to the cheap ugly strip malls developed in the 70's due to accelerated depreciation. Crenshaw discussed concerns with WECS not paying taxes.

Skip Pickering said if the 1000 foot notification is extended so should the amount of residents required to sign the petition. Pickering presented statements from a newspaper article where Kansas Governor Sebelius spoke favorable on wind energy.

Lee Rucker asked if the Board of County Commissioners has taken enough time to study WECS?

Martha Hazendorf said the landowners should be allowed to do with the land what they want as long as they follow regulations.

D. Poole said she believes in property rights but believes landowners have been run over by utility companies and developers.

Don Tessendorf said solar energy far outweighs wind energy. Tessendorf spoke of the natural beauty of Kansas.

Darrell Westervelt urged the Board of County Commissioners to adopt the WECS regulations because they can be changed in the future. Westervelt said the real threat to the Flint Hills is residential development.

Bill Pursley said if it weren't for tax credits we would not be talking about WECS. Pursley said the Board of County Commissioners needs to weigh the positives and the negatives. Pursley said he does not believe our hands are tied.

Spencer Tomb said the effects of some prairie species would be severe.

Kitty Pursley said this is a commercial and industrial issue.

Kitty Pursley said the boundaries limit is important as is following all regulations.

Ron Klataske suggested an evening meeting on WECS. Klataske said the Gray County WECS project is a good project. Klataske expressed concerns with the government subsidy to WECS projects.

Tara Pierce asked what is good for our community.

Don Redeker asked why Orion is not present. Rittiker asked why they are not talking to KSU about their land.

Wedel read a fax transmittal from Orion.

Darlene Wilds said she feels not in her backyard, right or wrong. Wilds asked the Board of County Commissioners to extend the moratorium.

Margy Stewart said the visual zone, guidelines versus standards and other issues were passed from the Planning Board to the County Commissioners to solve. Stewart said the legal issues are currently being tested.

Jay Blue discussed the visual dominance zone. Blue said inflation should be built into the companies bond.

Glen Hawkins' concern is that we are really not very informed. Has anyone really taken adequate time to study the long-term issues? Hawkins said the wind farms are not efficient. Hawkins said Denmark is the wind turbine capitol of the world and have the highest energy rates. Hawkins said the commissioners should just say no.

Patricia King said we must hold Orion's feet to the fire. King said we should just say no.

Pete Cohen said he seconds the extension of times to review the WECS.

Pete Cohen stated Germany is terminating subsidies for turbines due to inefficiencies.

George Thurlow discussed the consequences when energy counties do not follow regulations.

George Thurlow question the companies' honesty.

George Thurlow said wind power sprawl needs to be addressed.

Ron Wellington asked the Board of County Commissioners to come out and visit with the residents. Wellington said he just feels there is a better way than WECS.

Pete Gehrt said he is concerned with protecting the other landowners.

Pete Gehrt said ice from the towers can be thrown a half of a mile away.

Pete Gehrt said a military installation put a stop to a WECS development due to radio interference.

Charlie Griffin said the current proposal is the wrong energy solution at the wrong place at the wrong time.

Christy Crenshaw discussed concerns with being able to identify who owns the WECS through transfer of ownership. Crenshaw said WECS are being used to harvest tax subsidies.

Becky Mosier asked the Board of County Commissioners to listen to the people. Mosier said the Planning Board did the best they could do with the time they had.

Skip Pickering stated when at a WECS site they had to shush Governor Sebelius to be able to hear the sound of the wind turbine. Pickering discussed valuation of property.

Suzie Pickering said the state and senate are quite clear in allowing local control on WECS. Pickering said WECS will save the local farmers, ranchers, and Flint Hills.

Stan Kane stated the purchase of land near the British pasture was bought by the same owner as the British Pasture.

Jayne Link discussed property values on property after construction of turbines decreased in two studies quoted.

Don Witten stated the government and these companies have developed a false business, a non-monetary producer funded by taxes.

Mike Clarke stated near his property two radio towers approximately 300 feet tall are extremely obtrusive in the view shed.

Mike Clarke said he purchased property next to him to avoid WECS in his backyard.

Rose Bacon said you cannot preserve the land by tearing it up. Bacon said the people in favor of them boils down to money.

Jim Roberts leases land in California on a WECS project. Roberts suggested putting the issue up to the vote of the public. Roberts said he has had very good luck with the wind turbine county he deals with.

Melvin Dale said the wind turbines old blades were metal and new blades are made of kelvar and do not cause radio interference.

Barbara Craft said friends from Germany spoke of many negative aspects with WECS.

Roy Prestwood said he is open minded on WECS. Prestwood said he asked an Orion representative and the representative told him Westar Energy

would buy energy produced from wind turbines. Prestwood said the Riley County community gets nothing, only the landowners and the companies benefit.

Bob Foote said this is not California, it is the Flint Hills. Foote said WECS are a big tax sham.

3:45 Kearns closed the Public Hearing.

3:46 Newsome moved to adjourn. Johnson seconded. Carried 3-0.